

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: BRIGATO, Antonio

SERIAL NO.: 10/813,515

ART UNIT: 1734

FILED: March 30, 2004

EXAMINER: Sells, J.D.

TITLE: PROCESS FOR APPLYING A TRANSFERABLE IMAGE ON A WALL

AMENDMENT "A"

Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of April 25, 2005, a response being due with a Request for Continued Examination by July 25, 2005, please consider the following remarks:

REMARKS

Upon entry of the present amendments, previous Claims 1 - 20 have been canceled and new Claims 13 - 20 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of distinguishing the present invention from the prior art.

In the Office Action, it was indicated that previous Claims 1- 2 and 6 - 7 were rejected under 35 U.S.C. §102(b) as anticipated by the Bralt patent. Claim 3 - 5 and 8 - 12 were also rejected as being obvious under 35 U.S.C. §103(a) over the Bralt patent.

As an overview to the present reply, Applicant has introduced new independent Claim 13 in place of original dependent Claim 1. New independent Claim 13 incorporates the limitations of original independent Claim 1, along with the limitations of dependent Claims 6 - 8 and 12. In particular, independent Claim 13 has been amended so as to recite that the process is for applying a transferable image onto a “permanent” wall having an “irregular surface”. The term “permanent wall” is utilized throughout independent Claim 13. Additionally, the step of “applying pressure” has been revised to indicate that the first surface of the placed transfer sheet is urged against the wall to transfer the transferrable image “directly” onto the permanent wall. Applicant respectfully contends that these features serve to distinguish the present invention from the prior art Bralt patent.

The Bralt patent discloses the application of a transferrable image to a transfer sheet, the application of an adhesive coating onto a non-permanent substrate and on the transferrable image, placing the transfer sheet against the substrate, applying heat and/or pressure to press the transfer sheet against the substrate so as to bond and transfer the image to the adhesive layers on the substrate, and then removing the transfer sheet from the substrate. In this Bralt patent, there is no disclosure or process for applying a transferrable image onto an actual wall structure. The process relies upon mobile permanent receptors, such as individual sheets and individual bricks, which receive an image and then are mounted on a permanent structure. In the Specification, the image transferring, adhesive coating, and heat and/or pressure application are accomplished through a rolling machine in a horizontal orientation only. The individual sheets are located away from the permanent wall of the structure. Although the Bralt patent does suggest the term “brick wall”, Applicant respectfully contends that the Bralt patent simply refers to the individual bricks that are

orientation, it is unlikely that actual “bricks” or “brick walls” could be passed through such a process. The Bralt patent cannot be used on concrete walls, wall plasters, sealing plasters or curved wall structures. As such, the Bralt patent teaches the need for a process that can be used on textured, roughened and irregular surfaces and for a process that allows for direct application onto permanent road structures that exist in non-horizontal orientations.

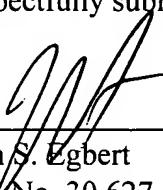
Independent Claim 13 now includes limitations that are neither shown nor suggested by the Bralt patent. In particular, new independent Claim 13 indicates that the sealant coating is “an adhesive that is tacky at room temperatures”. Additionally, there is the step from original dependent Claim 12 of “drying said sealant coating and sandwiching said transferable image between said sealant coating and said first surface” which is neither shown nor disclosed in the Bralt patent. Furthermore, independent Claim 13 includes the limitation that the sealant coating is “nonadhesive” during the step of placing. Applicant respectfully contends that these features serve to distinguish the present invention from the prior art Bralt patent. As a result, the present invention discloses a process that can be effectively used on “permanent walls having an irregular surface”. Thus, the steps of the present invention disclose a process that is functionally different than the Bralt patent and achieves different results than that of the Bralt patent.

Dependent Claims 14 - 17 herein correspond, respectively, to the limitations of previous dependent Claims 2 - 5. Dependent Claims 18 - 20 correspond, respectively, to the limitations of previous dependent Claims 9 - 11.

Based upon the foregoing analysis, Applicant contends that independent Claim 13 is now in proper condition for allowance. Additionally, those claims which are dependent upon Claim 13 should also be in

condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,


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